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Our Ref: SR:JF:11091294
Your Ref:



BESTHOOPER
SOLICITORS

3 May 2012



re: VCAT Reference No. P27/2012
6 Paine Street, Newport

We act for the Permit Applicant/Applicant for Review in the above matter, and note that you have lodged Statement of Grounds in respect to the appeal.

We enclose for your information:

- (a) Notice of an Amendment of an Application (Form A);
- (b) an A3 set of amended plans comprised in Drawing Nos. TP02 - TP12 dated 20 April 2012 prepared by Kavellaris Urban Design and Landscape plan comprised in Drawing Nos LS4 to LS5 prepared by ERM Pty Ltd; and
- (c) a statement of the changes from the previous plans and reasons for the changes.

At the hearing of this matter, our client will seek to substitute the amended plans for those originally submitted with the application.

Yours faithfully

Best Hooper

Sarah Raso
Senior Associate
enc

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PLANNING AND ENVIRONMENT LIST

PNPE9 FORM A – NOTICE OF AN AMENDMENT OF AN APPLICATION

- A proceeding has been lodged with VCAT and allocated the following VCAT reference number. Please quote this number when communicating with VCAT about this matter.
- The applicant has applied to amend its application, which is the subject of this proceeding, in the manner set out below.
- Please read the important information accompanying this notice.
- If the proceeding is an application for review concerning a permit application, the permit application, the proposed amendment, relevant plans and supporting material can be inspected at the office of the responsible authority.
- If the proceeding is an application for review concerning a works approval or licence, the application for works approval or licence, the proposed amendment and supporting material can be inspected at the office of the EPA or other primary decision maker.

VCAT REFERENCE NUMBER	<u>P27/2012</u>
SUBJECT LAND	<u>6 Paine Street, Newport</u>
NAME OF APPLICANT	<u>RAIO C/- PLANNING STUDIO ON PEEL</u>
NAME OF RESPONSIBLE AUTHORITY OR PRIMARY DECISION-MAKER	<u>Hobsons Bay City Council</u>
PERMIT APPLICATION NUMBER	<u>PA1123425</u>

TYPE OF PROCEEDING

Place X in relevant box. Note that a permit application cannot be amended in a proceeding for review of conditions under section 80 Planning and Environment Act 1987.

- Review refusal to grant a permit under section 77 *Planning and Environment Act 1987*
- Review failure to grant a permit under section 79 *Planning and Environment Act 1987*
- Review notice of decision to grant permit under section 82 *Planning and Environment Act 1987*
- Amend permit under section 87A *Planning and Environment Act 1987*
- Review refusal to grant a works approval or licence under *Environment Protection Act 1970*
- Review failure to grant a works approval or licence under *Environment Protection Act 1970*

WHAT IS THE NATURE OF THE PROPOSED AMENDMENT TO THE APPLICATION?

Full details of the proposed amendment are provided in the accompanying material

Place X in relevant box.

- Amendment to plans
- Amendment to the development proposal
- Amendment of the proposed use or other reason for which a permit is required
- Other –
Please specify briefly

DATE BY WHICH A STATEMENT OF GROUNDS MUST BE LODGED WITH VCAT	29 May 2012
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PLANNING AND ENVIRONMENT LIST

INFORMATION ABOUT NOTICE OF AN AMENDMENT OF AN APPLICATION

HOW TO RESPOND IF YOU ARE A PARTY TO THE PROCEEDING

If you are already a party to the proceeding, you may amend your statement of grounds at any time prior to the hearing or you may choose to continue to rely on the statement of grounds you have already lodged with VCAT and do nothing.

If you wish to amend your statement of grounds, you must file a copy of your amended statement of grounds with VCAT and serve a copy on the applicant and the responsible authority or other primary decision-maker.

HOW TO RESPOND IF YOU ARE NOT A PARTY TO THE PROCEEDING

If you are not a party to the proceeding and you wish to contest the proceeding or be heard in relation to this application, **by no later than the date specified at the bottom of the notice** you must:

1. Serve a copy of the **Statement of Grounds** on which you intend to rely on the person making this application (the Applicant).
2. Serve a copy of the **Statement of Grounds** on the responsible authority or other primary decision-maker.
3. Lodge a copy of the **Statement of Grounds** with VCAT, indicating that a copy was served on the applicant and the responsible authority or other primary decision-maker and the date(s) this was done.

If you return your statement of grounds by the due date, VCAT will join you as a party to the proceeding.

If you do not return a statement of grounds by the due date, the Tribunal may still consider your statement of grounds but you will not be a party to the proceeding. This means that you cannot participate in any mediation or be heard at the hearing unless the Tribunal gives you leave.

If you wish to be heard, you must attend the hearing and the Tribunal may grant leave for you to be heard after it has obtained and considered the views of the applicant and the responsible authority. You may apply to be joined as a party under section 60 of the *Victorian Civil and Administrative Act 1998* or to be heard without being joined. For example, you may only question or cross-examine witnesses if you are a party.

STATEMENT OF GROUNDS:

The attached Statement of Grounds form should assist you. When completing the Statement, you should provide sufficient information so that the issues you intend to raise can be identified clearly.

WITHDRAWING YOUR OBJECTION

If you wish to withdraw your statement of grounds at any time, please inform VCAT, the Applicant and the Responsible Authority in writing. You will then be withdrawn from VCAT's record and receive no further correspondence.

COMMUNICATING WITH VCAT

A person who communicates in writing with VCAT must serve a copy of that communication on all other parties at the same time and notify VCAT this has been done. The communication should state a copy was sent to the other parties and list the parties it was sent to. This applies to communications sent by letter, fax or email.

INSPECTING VCAT'S FILE

Any party to the proceeding may inspect a file without a fee; however, other persons must pay a fee. Charges are made for photocopying. To arrange an inspection time, complete the 'File Access and Subpoenaed Documents Request Form', on the website or by contacting VCAT.

ENQUIRIES

Should you have any further enquiries, please contact VCAT on the numbers below. Please quote VCAT's reference number. Guidelines and information on VCAT's procedures are on VCAT's website at www.vcat.vic.gov.au or available from VCAT on requests

Property address: 6 Paine Street, Newport VIC

STATEMENT OF CHANGES

- Previous set of architectural drawings are **dated 06-10-2011**
- Current set of architectural drawings are **dated 20-04-2012**

Ground Floor:

- The previous carpark level R.L 12.60 (shown on *drawings dated 06-10-2011*) has been redesigned and lowered by 800mm to create a semi-basement carpark with a new level of R.L 11.80
- 3 additional bike rails have been provided to the Latrobe Street foyer and entrances
- Pedestrian access ramps connecting the semi-basement to the internal walkway (lift foyer area) have been introduced
- Vehicle off street parking to apartment #1 (La Trobe Street) and apartment #5 (Crawford Street) has been removed
- All front fences along all street frontages have been redesigned from an undulating form to a straight edge form
- Security gates to all street accessible entries have been introduced

First Floor:

- Redesign of the proposed central pod by deleting apartments #40, #41, #42 and #43. The amended proposed layout includes three x two storey townhouses with roof terraces with an overall height of 8950mm (from first floor) (in lieu of the previous height of 11700mm (from first floor))
- The Paine Street first floor apartments have an increased setback from Paine Street - 2000mm to 3000mm (apartments #31 to #37)
- The Crawford Street first floor apartments have an increased setback from Crawford Street - 2000mm to 3000mm (apartments #26 to #30)
- The La Trobe Street first floor apartments have an increased setback increased from La Trobe Street - 2000mm to 3000mm (apartments #38 to #39)

General:

- The setback of the apartments fronting Armstrong Reserve (#20, #21 and #22) has increased by 700mm to both first floor and second floor levels

- Current overall roof height to apartments #20, #21 and #22 is now 9900mm (from R.L 12.90) in lieu of previous height of 10400mm (from R.L. 12.90)
- Redesign to balcony and windows of apartments #20, #21 and #22 (the Armstrong Reserve facing facades)
- Reduction of the overall height by 800mm all apartments (excluding #20, #21 #22 and central pod) from R.L 23.30 to R.L 22.50
- Updated shadow diagrams (9am, 12pm and 3pm)

Note: All amendments have been made in response to Council and objector concerns, and on advice from consultants engaged by the permit applicant.
